

REMARKS

Claims 1-25 and 28 are pending. Claims 26 and 27 have been cancelled without prejudice or disclaimer. However, Applicant expressly reserves the right to file one or more divisional applications claiming the non-elected subject matter. Applicant thanks the Examiner for withdrawing the rejections and for indicating the allowability of claims 1-5, 7-10, 12-14, 16-25 and 28, but based at least on the amendments above and the remarks below, Applicant respectfully submits that claims 6, 11 and 15 are also presently in condition for allowance.

I. Specification Amendment

The first full paragraph of page 9 (previously amended in the Amendment of April 30, 2002) has been amended correct a sentence therein at the direction of the Examiner. No new matter is being entered.

II. Claim Objections

The Office Action objects to claims 1, 2 and 25 for various informalities. In response, these claims have been amended in accordance with the Examiner's suggestions.

III. 35 USC § 112

Claims 6, 11 and 15 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention.

The Office Action asserts that claim 6 vague and indefinite because the meaning of the term "while a smaller amount consists of diamond" is unclear. However, Applicant directs the Examiner's attention to the paragraph bridging pages 7 and 8, wherein it is described that one group of particles are formed from the elements of the recited Markush group, while a second group of particles (called nano-particles in the specification) can be diamond. Thus, the presently recited "first amount of hard particles" are distinct from the "smaller amount of hard particles". Reconsideration is requested.

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Claim 11 has been amended to better define what Applicant originally intended by the term "semi-translucent". In particular, claim 11 presently recites that at least one part is translucent and at least one part is not translucent, i.e., is opaque or transparent. Thus, the wetting repellant lacquer is "semi-translucent", as described in the first paragraph of page 9 (See Amendment of April 30, 2002).

Finally, the Office Action states that claim 15 is vague and indefinite for failing to adequately describe how the stored original is processed to produce the surface structure. In response, claim 15 has been amended to recite that the decor is achieved through one or more processes selected from the group consisting of printing, embossing, molding, and rolling of at least a portion of the digital structure original. This feature is presented in the present specification, for example, in the chart on page 16.

IV. Conclusion

It is respectfully submitted that all objections and/or rejections are overcome by the above amendment and remarks. Thus, entry of the amendments and passage of the application to allowance are respectfully requested.

Respectfully submitted,



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STEVEN DAVIS MILLER & MOSHER, L.L.P.

Date: Aug 29, 2002



ATTACHMENT I - Marked-Up Specification Paragraph

The wetting repellent lacquer is preferably also constituted of a UV or electron beam curing lacquer with a content of silicone polymer. It is suitable to use a wetting repellent lacquer which also comprises UV or electron beam curing acrylic, epoxy or a maleimide lacquer, and is thereby chemically compatible with the wear layer. The wetting repellent lacquer is suitably [suitable] translucent or [of] semi-translucent, whereby the cured wetting repellent lacquer has translucent parts as well as transparent or opaque parts.

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ATTACHMENT II - Marked-Up Amended Claims

1. (Twice Amended) A process for the manufacturing of a decorative surface element, which element comprises a base layer and a decorative upper surface, the process comprising,
 - i) providing the decorative upper surface with a decor layer, the decor layer comprising a pattern;
 - ii) printing a wetting repellant lacquer in a predetermined pattern on the decorative upper surface, at least partially matching the pattern on the decor layer, the wetting repellant covering only part of the decorative upper surface, and thereafter
 - ii) applying a wear layer of a UV or electron beam curing lacquer on top of the decorative upper surface, which UV or electron beam curing lacquer is repelled from the part of the surface being covered by the wetting repellant lacquer whereby a surface feature is achieved.
2. (Three Times Amended) A process according to claim 1, wherein said [sad] UV or electron beam curing lacquer consists of one selected from the group consisting of an acrylic, epoxy and a maleimide lacquer.
6. (Three Times Amended) A process according to claim 4, wherein a first amount of the hard particles consist of one selected from the group consisting of silicon oxide, α -aluminum oxide and silicon carbide, while a smaller amount of the hard particles consist of diamond.
11. (Three Times Amended) A process according to claim 8, wherein the wetting repellent lacquer is [semi-]translucent in at least one part and transparent or opaque in at least one other part.

15. (Three Times Amended) A process according to claim 1, wherein the decor layer is produced from a digitally stored original, that the digitally stored original is processed in order to achieve a digital structure original whereby a surface structure that matches the decor is achieved through one or more processes selected from the group consisting of printing, embossing, molding, and rolling of at least a portion of the digital structure original.

25. (Amended) A process according to claim 3, wherein said printing comprises applying the wetting repellent lacquer in [laquer] a configuration to enhance the pattern.

